IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr.M.P.(M) No. 470 of 2007

Date of decision: 13.7.2007

State of H.P. **…Appellant.**

Versus

Amar Deen **…Respondent.**

Coram

The Hon'ble Mr. Justice Surjit Singh, Judge.

The Hon'ble Mr. Justice Kuldip Singh, Judge.

Whether approved for reporting?

For the appellant : Mr.Som Dutt Vasudeva, Addl. A.G., with Mr. D.S. Nainta, Dy. A.G.

For the respondent : None

Surjit Singh, Judge(Oral)

Heard and gone through the record.

2. Respondent was sent up for trial for an offence punishable under Section 20 of the Narcotic Drugs and Psychotropic Substances Act, for allegedly having been found in possession of 400 grams of 'Charas' which he had kept in a tea shop in village Satothar in Una District.

3. Trial Court has acquitted the respondent mainly on the ground that there is no evidence that it is the respondent who is in possession of the shop and runs the business there. Learned Additional Advocate General submits that there is evidence of the landlord, namely PW-10 Malkiat Singh indicating that it is the respondent, who is doing the business in the premises, in question. On our asking the statement of PW-10 Malkiat Singh has been read out. As per the statement of this

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Whether reporters of the local papers may be allowed to see the judgment?

witness, the shop has been let out not to the respondent but to his father and it is the father of the respondent who is doing the business in the shop. Not only this, the witness has stated that the respondent is an agriculturist by occupation and he does not even assist his father in doing the business in the shop.

4. In view of the above stated position, we are of the considered view that the judgment of the trial Court is well founded. Hence, the petition for leave to appeal is dismissed.

(Surjit Singh), J.

July 13, 2007 (BC) **(Kuldip Singh), J.**